

Application No. 10/649,635

520.43063X00

REMARKS

The Applicant requests reconsideration of the rejection.

New claims 21-24 are now pending.

The Examiner objected to the drawings as informally labeling Figs. 2 and 11.

Replacement sheets including these two figures are submitted with this paper.

Further, the specification has been amended for consistency with the corrected drawings.

An amended Abstract has also been provided to address the informality noted on page 4 of the Office Action.

Claims 1-20 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Without admitting the propriety of the rejection, new claims 21-24 are being submitted, which do not contain the alleged informalities.

Claims 1-8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reasons set forth on Page 6 of the Office Action. The Applicant has drafted the new claims to avoid the problems alleged by the Examiner.

In addition, the Applicant notes that the formula on Page 19 of the specification indicates how to calculate a performance level 783 from the write performance value 716, read performance value 717, and IOPS 718. The Applicant refers to Fig. 3. Thus, the formula may be better indicated as (write performance value 716) x (write performance 735) + (read performance value 717) x (read performance 736) + (IOPS 718) x (IOPS 737) = performance level 783.

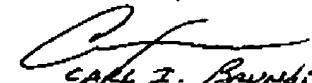
Application No. 10/649,635

520.43063X00

Thus, the formula on Page 19 of the specification is an example substituting concrete numerals into the above formula. If the Examiner would prefer the generic formula to be inserted in the specification, the Applicant will do so at the Examiner's request. Each aspect of the official action having been addressed, the Applicant believes that the application is now in condition for allowance and respectfully requests reconsideration of the rejection and allowance of the application.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.


CARL E. Brundidge Reg No 29621
Daniel J. Stanger
Attorney for Applicant
Registration No. 32,846

DJS/ms/dll
(703) 684-1120
June 20, 2006

Application No. 10/649,635

520.43063X00

IN THE DRAWING

Attached to this Reply are replacement sheets for Figs. 2 and 11, relabeled in accordance with the Examiner's requirement set forth on pages 2-3 of the Office Action.